

Docket No. 5677/85

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#20

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: December 10, 1999 Group Art Unit: 1626

Serial No: 09/459,171 Examiner: T. Solola

For: THE USE OF PROCYANIDINS IN THE MAINTENANCE OF
VASCULAR HEALTH AND MODULATION OF THE INFLAMMATORY RESPONSE**REQUEST TO WITHDRAW THE FINALITY OF THE MARCH 21, 2002 OFFICIAL ACTION**Commissioner for Patents
Box: After Final
Washington, D.C. 20231

Sir:

Applicants believe that the finality of the first Official Action on the merits, mailed March 21, 2002 in the above identified application, was made in error since (i) the prior art rejection of method claims 186-224, and (ii) the obviousness-type double patenting rejections were imposed for the first time.

Applicants' attorney brought this matter to the attention of the Examiner in a telephone conference held on April 24, 2002, during which the Examiner indicated that the finality of the Action would be withdrawn in writing. Since Applicants have not received anything to that effect from the Patent Office, and to avoid extension of time fees, Applicants are responding (separately) to the Action prior to receiving any communications on this matter.

Nonetheless, the removal of the finality of the Official Action appears to be in order and is respectfully requested. In order for the Office to address this issue as soon as possible, Applicants are filing this request via facsimile, and separately from the response.

Date: June 21, 2002

Respectfully submitted,

Nada Jain
Reg. No. 41,431Clifford Chance Rogers & Wells LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-8000914
271-7877Write new
F.I.

CLIFFORD CHANCE ROGERS & WELLS LLP

200 Park Avenue
New York, NY 10166
(212) 878-8000

Date: June 21, 2002
Attorney Docket No.5677-85

TELECOPIER TRANSMISSION COVER SHEET**OFFICIAL**

Phone Number Transmitting To: **703/308-7922**

To: **United States Patent and Trademark Office**

Examiner: **T. Solola**

Group Art Unit: **1626**

Paper(s) Being Transmitted: **REQUEST TO WITHDRAW FINALITY OF
MARCH 21, 2002 OFFICE ACTION**

Number of Pages Being Transmitted (including cover): **2**

COMMENTS:**CERTIFICATE OF FACSIMILE TRANSMISSION**

Serial No.: **09/459,171**

Filed: **December 10, 1999**

I hereby certify that these papers are being facsimile transferred to the United States Patent and Trademark Office on the date shown below.

Date: **June 21, 2002**


By: **Nada Jain**

FOR FAX TRANSMISSION PROBLEMS, CALL . THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE USE OF THE PERSON OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ANY REVIEW, DISSEMINATION, DISTRIBUTION, COPYING OR OTHER USE OF, OR THE TAKING OF ANY ACTION IN RELIANCE UPON, THIS TRANSMISSION OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR ARE UNCERTAIN ABOUT ITS PROPER HANDLING, PLEASE CALL US IMMEDIATELY (COLLECT AT) AND RETURN THE ORIGINAL TRANSMISSION TO US BY MAIL.

NYB 1195307.1